

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP ANTHONY BINGHAM,

Petitioner,

v.

DAVID BREWER,

Respondent.

No. 2:22-cv-02235-EFB (HC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner is a federal prisoner proceeding without counsel in this petition for writ of habeas corpus brought under 28 U.S.C. § 2241. On March 7, 2022, the postal service returned mail sent to petitioner from the court with a notation that petitioner was “no longer” at FCI-Herlong.

A party appearing without counsel must keep the court and all parties apprised of his current address. L.R. 183(b). If mail directed to a petitioner is returned by the postal service and petitioner fails to notify the court and opposing parties within 63 days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute. *Id.* More than 63 days have passed since the postal service returned the mail and petitioner has not notified the court of his current address.

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1 Accordingly, it is ORDERED that the Clerk of the Court randomly assign a United States
2 District Judge to this action.

3 Further, it is RECOMMENDED that this action be dismissed and all pending motions be
4 denied as moot. *See* Fed. R. Civ. P. 41(b); L.R. 110, 183(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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13 Dated: May 31, 2023.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE